

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 1 - 23 are pending in the application. Currently, claims 1 - 3, 7 - 11, and 20 - 22 stand rejected; and claims 4 - 6, 12 - 19, and 23 stand objected to.

By the present amendment, claim 12 has been placed into independent form, thus resulting in the allowability of claims 12 - 19. Additionally, minor amendments to the preambles have been made to claims 2 and 17 - 19. These amendments correct minor inadvertent typographical errors and are not made for purposes of patentability.

In the office action mailed February 13, 2008, claims 1 - 3, 7 - 11 and 20 - 22 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Publication No. 2001/0025746 to Bammert. This is the sole rejection in the application.

The foregoing rejection is traversed by the instant response.

Independent claim 1 is directed to a position referencing system comprising a plurality of spaced apart color elements attached to a static structure, means attached to a movable structure for detecting one of said spaced apart color elements, and means for determining a position of said movable structure from said detected color element. Claim 1 as originally filed is not anticipated by Bammert since the spaced apart color elements in Bammert are not attached to a static structure. The colored elements 60 in Bammert are attached to the support cable 16

or to the limiter cable 52, neither of which is a static structure.

Independent claim 20 is directed to a method for determining the position of a movable structure comprising the steps of attaching a plurality of spaced apart color elements to a static structure, detecting one of said spaced apart color elements using a sensing device attached to said movable structure, and determining a position of said movable structure from said detected color element. Bammert does not perform the step of attaching a plurality of spaced apart color elements to a static structure for the reasons explained above. Therefore, claim 20 is not anticipated by Bammert.

Claims 2, 3, 7 - 11, 21, and 22 are allowable for the same reasons as claim 1 as well as on their own accord.

There being no other rejection, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

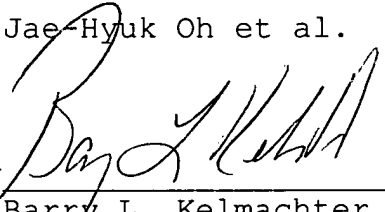
Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, the Examiner is hereby invited to contact Applicants' attorney at the telephone number listed below.

No fee is believed to be due as a result of this response. Should the Director determine that a fee is due, he is hereby authorized to charge said fee to Deposit Account No. 02-0184.

Respectfully submitted,

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By


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I, Nancy Reid, hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: "Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on May 7, 2008.

